

## **IC 4-15-11**

### **Chapter 11. Legal Defense of State Employees**

## **IC 4-15-11-1**

### **"Officer or employee of the state" defined**

Sec. 1. As used in this chapter, "officer or employee of the state" means the following:

(1) An elected official or employee of a state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government created or established by law.

(2) A teacher (as defined in IC 20-6.1-1-8).

The term does not include an employee of a state educational institution (as defined in IC 20-12-0.5-1).

*As added by P.L.33-1987, SEC.1. Amended by P.L.16-1990, SEC.2.*

## **IC 4-15-11-2**

### **Representation by attorney general or appointed counsel**

Sec. 2. An officer or employee of the state who is charged with a crime or infraction in the courts of this state or of the United States or who is the target of a grand jury investigation may not be represented in those proceedings by the attorney general or by counsel appointed or provided by the attorney general.

*As added by P.L.33-1987, SEC.1.*

## **IC 4-15-11-3**

### **Reimbursement of expenses; applications; approval; payment**

Sec. 3. (a) An officer or employee of the state who is charged with a crime or infraction relating to that individual's acts as an officer or employee may apply to the budget agency for reimbursement of reasonable expenses incurred in the officer's or employee's defense against those charges if all charges have been dismissed or if the officer or employee has been found not guilty of the charges.

(b) An officer or employee of the state who is the target of a grand jury investigation relating to that individual's acts in carrying out the individual's responsibilities as an officer or employee of the state may apply to the the budget agency for reimbursement of reasonable expenses incurred by the officer or employee resulting from the grand jury investigation if the grand jury fails to indict the officer or employee.

(c) The budget agency may approve reimbursement of reasonable expenses under this section if:

(1) the officer or employee who was charged with a crime or infraction or who was the target of a grand jury investigation retained counsel; and

(2) the expenses for which reimbursement is sought are reasonable.

(d) Reimbursement payments approved under this section shall be paid from the state general fund.

*As added by P.L.33-1987, SEC.1.*

#### **IC 4-15-11-4**

##### **Reimbursement of expenses; hearing; questioning of officer or employee**

Sec. 4. The budget agency may act on an application of an officer or employee for reimbursement under this chapter without a prior hearing. The budget agency may require an officer or employee seeking reimbursement to answer questions under oath and provide any information in connection with the matters that were the subject of the investigation or charges.

*As added by P.L.33-1987, SEC.1.*

#### **IC 4-15-11-5**

##### **Judicial review**

Sec. 5. A decision of the budget agency under this chapter is not subject to judicial review.

*As added by P.L.33-1987, SEC.1.*

#### **IC 4-15-11-6**

##### **Subrogation**

Sec. 6. The state has a right of subrogation in the amount of the reimbursement for the proceeds of any monetary judgment recovered by the officer or employee in an action for false arrest, abuse of process, or malicious prosecution or any other proceeding arising out of the matters involved in the criminal charges or the proceedings to enforce a statute defining an infraction.

*As added by P.L.33-1987, SEC.1.*